

1 ALAN W. WESTBROOK, ESQ.
2 Nevada Bar No. 006167
3 PERRY & WESTBROOK,
4 A Professional Corporation
5 11500 S. Eastern, Suite 140
Henderson, NV 89052
Telephone: (702) 870-2400
Facsimile: (702) 870-8220
Email: awestbrook@perrywestbrook.com
6 Attorney for Defendant Target Corporation
7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

11 TEKEEYSHA KEYS, an individual;

CASE NO.:

12 Plaintiff,

13 vs.

14 TARGET CORPORATON, DOE
EMPLOYEES OF TARGET
CORPORATION; DOES 1-20 and ROE
15 BUSINESS ENTITIES 1-20, inclusive,

DEFENDANT TARGET
CORPORATION'S PETITION FOR
REMOVAL AND DEMAND FOR JURY
TRIAL

16 Defendants.

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18 PLEASE TAKE NOTICE that Defendant, TARGET CORPORATION, by and through its
19 attorney Alan W. Westbrook, Esq. of PERRY & WESTBROOK, a Professional Corporation,
20 hereby removes this action from the Eighth Judicial District Court of the State of Nevada, in and
21 for Clark County, Nevada, to the United States District Court for the District of Nevada, pursuant
22 to Section 1441 of Title 28 of the United States Code (Diversity of Citizenship).

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24 This removal of this action is based upon the following:
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1 1. This action is a civil action within the meaning of Acts of Congress relating to
2 removal of cases.

3 2. Plaintiff Tekeeysha Keys filed a Complaint for damages in the Eighth Judicial
4 District Court, in and for Clark County, Nevada (the State Court) on February 22, 2022. The State
5 Court assigned this matter number A-22-855829-C. The Complaint alleged a cause of action for
6 negligence against Defendant (a copy of the original Complaint is attached as **Exhibit A**). A copy
7 of Plaintiff's Initial Appearance Fee Disclosure is attached as **Exhibit B**, and a copy of the
8 Summons is attached as **Exhibit C**. Defendant's Initial Appearance Fee (**Exhibit D**), Answer to
9 Complaint (**Exhibit E**), Demand for Jury Trial (**Exhibit F**), Plaintiff's Affidavit of Service
10 (**Exhibit G**), and Request for Exemption from Arbitration (**Exhibit H**) are also attached hereto.

11 3. The Complaint filed alleges damages in excess of \$15,000.00. While the Plaintiff's
12 Request for Exemption from Arbitration filed in State Court, referenced medical treatment costs
13 associated with the alleged injury totaling \$80,664.00, with additional medical costs not yet
14 obtained (**Exhibit H**).

15 5. Removal to this Court is based upon the receipt of the Complaint by service on
16 Defendant's Registered Agent on July 29, 2022 (**Exhibit G**). See 28 U.S.C. § 1446(b)(2) ("each
17 defendant shall have 30 days after receipt by, or service on, that defendant of the initial pleading
18 or summons... to file the notice of removal.") Therefore, this Petition is filed within 30 days after
19 receipt by the defendant, through service or otherwise, of a copy of a pleading, motion, order, or
20 other paper from which it may first be ascertained that the case is one which is or has become
21 removable.

22 6. This Court has original jurisdiction over the claims alleged here for the reasons set
23 forth below:

1 a. According to the Complaint Plaintiff is, and was at all times relevant, a
2 resident of the State of Nevada.

3 b. Defendant, Target Corporation, is incorporated in Minnesota, with its
4 principal place of business in Minnesota.

5 c. Based upon the Plaintiff's assertions to the State Court, including the
6 description of alleged injury, coupled with Plaintiff's claim of over \$80,000.00 in medical costs
7 set forth in Plaintiff's Request for Exemption from Arbitration (**Exhibit H**), Defendant has a good
8 faith understanding that the amount in controversy exceeds the amount of \$75,000.00, exclusive
9 of costs and interest.

10 d. The State Court action is a civil action between citizens of different States,
11 and the matter in controversy exceeds \$75,000.00, exclusive of costs and interest. The District
12 Court has original jurisdiction over the matter pursuant to 28 U.S.C., Section 1332.

13 7. Defendant will serve a copy of a Notice of Removal immediately upon the filing of
14 this Petition by filing a Notice of Removal with the State Court and having it electronically served
15 through the Court filing system.

16 8. Defendant respectfully demands a trial by jury of the above-captioned matter.

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1 WHEREFORE, Defendant hereby removes the State Court Action pending as Case No. A-
2 22-855829-C in the Eighth Judicial District Court of the State of Nevada, in and for Clark County,
3 Nevada, to this Honorable Court.
4

5 DATED this 26th day of August, 2022.

6 PERRY & WESTBROOK
7 A Professional Corporation

8 /s/ Alan W. Westbrook
9 ALAN W. WESTBROOK, ESQ.
10 Nevada Bar No. 6167
11 11500 S. Eastern, Suite 140
12 Henderson, NV 89052
13 Telephone: (702) 870-2400
Facsimile: (702) 870-2880
Email: awestbrook@perrywestbrook.com
Attorney for Defendant Target Corporation
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of August, 2022, a true and correct copy of the foregoing was served via email and U.S. Mail upon the following counsel:

Betsy C. Jefferis-Aguilar, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiff

/s/ Jennifer L. Meacham
An Employee of PERRY & WESTBROOK,
A Professional Corporation

Exhibit A

1 COMP
 2 BETSY C. JEFFERIS-AGUILAR, ESQ.
 3 Nevada Bar No. 12980
 4 HICKS & BRASIER, PLLC
 5 2630 S. Jones Blvd
 6 Las Vegas, Nevada 89146
 Phone: (702) 628-9888
 Fax: (702) 960-4118
 E-Mail: baguilar@lvattorneys.com
 Attorneys for Plaintiff

CASE NO: A-22-855829-C
 Department 14

7
 8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 TEKEEYSHA KEYS, an individual,) CASE NO.:
 11 Plaintiff,) DEPT. NO.:
 12)
 13 vs.)
 14)
 15 TARGET CORPORATION; DOE)
 16 EMPLOYEES OF TARGET)
 17 CORPORATION; DOES 1-20 and ROE)
 BUSINESS ENTITIES 1-20, inclusive,)
 Defendants.)

PLAINTIFF'S COMPLAINT

18 COMES NOW, Plaintiff TEKEEYSHA KEYS, by and through her counsel, BETSY C.
 19 JEFFERIS-AGUILAR, ESQ. of HICKS & BRASIER, PLLC, and for his causes of action
 20 against Defendants, and each of them, complains and alleges as follows:

21 **JURISDICTION AND PARTIES**

22 1. That Plaintiff TEKEEYSHA KEYS (hereinafter "Plaintiff") is, and at all times
 23 mentioned herein was, a resident of the County of Clark, State of Nevada.

24 2. That Defendant TARGET CORPORATION is, and at all times mentioned herein
 25 was, a foreign corporation or other business entity, licensed to do business in the County of
 26 Clark, State of Nevada.

27 3. That Defendants DOES 1-5 and ROE BUSINESS ENTITIES 1-5 are other owners
 28 or operators of the property located at 1200 S. Nellis Blvd, Las Vegas, Nevada 89104,

1 commonly known as Target (“the Property”).

2 4. That Defendants DOES 6-10 and ROE BUSINESS ENTITIES 6-10 are the
3 managers or controllers of common areas of the Property.

4 5. That Defendants DOES 11-15 and ROE BUSINESS ENTITIES 11-15 are the
5 designers and maintenance providers for the Property.

6 6. That Defendants DOES 16-20 and ROE BUSINESS ENTITIES 16-20 are the
7 construction companies, sub-contractors, vendors, inspectors or other persons responsible for
8 the cleaning and maintenance of the area on the Property where the subject incident occurred.

9 7. That the true names and capacities of the remaining Defendants designated herein
10 as Doe or Roe Business Entities are presently unknown at this time to Plaintiff, who therefore
11 sues said Defendants by such fictitious names — these entities would specifically include
12 owners associations presently unknown. When the true names and capacities of these
13 defendants are ascertained, Plaintiff will amend this Complaint accordingly.

14 8. That at all times pertinent, Defendants and each of them were agents, servants,
15 employees or joint venturers of every other Defendant herein, and at all times mentioned herein
16 were acting within the scope and course of said agency, employment, or joint venture, with
17 knowledge and permission and consent of all other named Defendants.

18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 9. That on or about March 8, 2021, Plaintiff was an invitee on the Property.

20 10. On or about said date, Plaintiff was walking through the store when a three-step
21 ladder fell off a shelf, striking her head and neck (hereinafter referred to as the “dangerous
22 condition”).

23 11. Upon information and belief, the dangerous condition was caused as a direct result
24 of the Defendants’ failure to design, construct, control, supervise, repair, and/or maintain the
25 Property in a reasonable and safe manner.

26 12. Defendants maintained and were in control of the Property.

27 13. Defendants knew, or reasonably should have known, that the dangerous condition
28 existed on or about the Property.

14. Defendants failed to place signs, caution, warn, or otherwise make safe, the dangerous condition existing on or about the Property. Accordingly, Defendants negligently, carelessly, and recklessly maintained and allowed the dangerous condition to exist.

15. Defendants should have warned or otherwise made safe the dangerous condition because that condition was non-obvious to Plaintiff.

FIRST CLAIM FOR RELIEF

(NEGLIGENCE TO ALL DEFENDANTS)

16. Plaintiff incorporates paragraphs 1 through 15 of the Complaint as if those paragraphs were fully incorporated and set forth herein.

17. Defendants owed Plaintiff a duty of care to warn Plaintiff of the non-obvious and dangerous condition.

18. Defendants breached this duty of care by failing to place caution signs, or otherwise failing to warn Plaintiff of the dangerous, non-obvious condition.

19. Defendants' negligence directly and proximately caused Plaintiff serious injury.

20. As a direct and proximate result of Defendants' negligence, Plaintiff received medical and other treatments for injuries sustained to body, limbs, organs and nervous systems, all or some of which conditions may be permanent and disabling and, all to Plaintiff's damage in a sum in excess of \$15,000. That said services, care, and treatment are continuing and shall continue in the future.

21. As a direct and proximate result of Defendants' negligence, Plaintiff has been required to and has limited certain occupational and recreational activities, which have caused, and shall continue,

22. As a direct and proximate result of Defendants' negligence, Plaintiff has been required to engage the services of an attorney, incurring attorney's fees and costs to bring this action.

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SECOND CLAIM FOR RELIEF

**(NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION
TO TARGET CORPORATION)**

23. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 22
5 above.

6 24. Defendant had a duty to adequately hire, train, supervise, and retain its employees
7 and/or other persons and/or entities responsible for the inspection of The Property to ensure that
8 a safe environment was provided for invitees and/or licensees.

9 25. Defendant breached its duty that it did not hire responsible employees, did not train
10 its employees to keep the premises safe for customer use, did not supervise its employees, and
11 retained employees that displayed unsafe.

12 26. The failures led to Defendant employees not recognizing a dangerous hazard, not
13 remedying the hazard, and not warning customers, guests and/or invitees of the hazard.

14 27. The failures proximately led to Plaintiff's incident and resulting injuries.

15 28. Employees, masters, and principals are vicariously liable for the torts committed by
16 their employees, servants, and agents if the occurs while the employee, servant or agent was
17 acting in the course and scope of employment.

18 29. Accordingly, pursuant to NRS § 41.430, Defendant is variously liable for the
19 damages caused by its employees' actions and negligence, further encompassing the e actions of
20 those hired by Defendant to maintain the premises and requirement.

21 30. NRS § 41.430, states as follows:

22 Except as otherwise provided in NRS 41.745, whenever any person shall suffer
23 personal injury by wrongful act, neglect, or default of another, the person causing
24 the injury is liable to the person injured for the damages; and where the person
25 causing the injury is employed by another person or corporation responsible for
the conduct of the person causing the injury, that other person or corporation so
responsible is liable to the person injured for damages.

26 31. Defendant Target Corporation was the employer, master, and principle of the
27 remaining Defendants and other employees, agents, independent contractors, and/or
28 representatives who negligently did not inspect, maintain, or warn of dangerous conditions in

and about The Property.

32. As a direct and proximate result of Defendant Target Corporation's negligence, carelessness, and recklessness, Plaintiff suffered personal injuries to her body, as well as pain and suffering.

33. Plaintiff is entitled to reimbursement for the bills incurred for medical treatment and therapy for the injuries sustained as a result of Defendant Target Corporation's negligence.

34. As a direct and proximate result of the actions of Defendants, Plaintiff experienced pain and suffering, damaging Plaintiff in excess of \$15,000.

, 35. As a direct and proximate result of the actions of Defendants, Plaintiff has been required to retain counsel to prosecute this matter and is entitled to attorney's fees and costs.

THIRD CLAIM FOR RELIEF

(NEGLIGENCE INSPECTION AND WARNING)

36. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 35 above.

37. Defendants owed Plaintiff and other similarly situated a duty to inspect the premises before the subject incident and knew or should have known the ladder was dangerous, and hazardous, and failed to warn Plaintiff of the dangerous condition to Plaintiff's detriment and damages alleged above.

38. Defendants' failure to inspect, test, monitor, maintain, and warn was a proximate cause of the injuries and damages alleged above was, further, a willful and conscious disregard of the known safety procedures.

39. As a direct and proximate result of the conduct of the Defendants, Plaintiff sustained injuries and damages in excess of \$15,000.

40. As a direct and proximate result of Defendants' conduct, Plaintiff has been required to retain the services of an attorney, and as directed, natural and foreseeable consequence thereof, has been damaged and is entitled to reasonable attorney's fees and costs.

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FOURTH CLAIM FOR RELIEF

**(VICARIOUS LIABILITY/JOINT & SEVERAL LIABILITY/RESPONDEAT
SUPERIOR AS TO ALL DEFENDANTS)**

41. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 40 above.

42. At all times relevant hereto, Defendants negligently failed to warn patrons of the dangerous conditions.

43. At all times relevant hereto, Plaintiff believes and thereon alleges that Doe Target Corporation Employee was employed by Target Corporation.

44. As such, Defendant Target Corporation is liable for the negligent acts of Doe Target Employee as Doe Target Corporation was working within the course and scope of their agency or assignment with Defendant Target Corporation.

45. At all times relevant herein, the actions of the actions of Target Corporation Employee were done with a common purpose and/or joint venture existing with Target Corporation, which resulted in the injuries and damages to Plaintiff.

46. That Defendant Target Corporation is viciously liable and/or jointly and severally liable for the negligence and carelessness of Doe Target Corporation Employee committed while said common purpose and/or joint venture existed between Defendant Target Corporation and Doe Target Employee and such negligence which gave rise to Plaintiff's injuries.

47. As a direct and proximate result of Defendants Target Corporation and Doe Target Corporation Employee's negligence, carelessness, and recklessness, Plaintiff suffered personal injuries to her body as well as pain and suffering.

48. Plaintiff is entitled to reimbursement for the bills incurred for medical treatment and therapy for the injuries sustained as a result of Defendant Target Corporation and Doe Target Corporation Employee's negligence.

49. As a direct and proximate result of the actions of Defendants, Plaintiff experienced pain and suffering, damaging Plaintiff in excess of \$15,000.00

50. As a direct and proximate result of the actions of Defendants, Plaintiff has been

required to retain counsel to prosecute this matter and is entitled to attorney's fees and costs.

WHEREFORE, Plaintiff, expressly reserving the right to amend this Complaint prior to or at the time of trial of this action to insert those items of damage not yet fully ascertainable, prays judgment against the Defendants, and each of them, as follows:

1. General damages sustained by Plaintiff in an amount in excess of \$15,000;
2. Special damages to be determined at the time of trial;
3. Medical and incidental expenses already incurred and to be incurred;
4. Lost earnings and earning capacity;
5. Interest at the statutory rate;
6. Reasonable attorney's fees and costs of suit; and
7. For such other relief as the Court deems just and proper.

DATED THIS 22nd day of July 2022.

HICKS & BRASIER, PLLC

/s/ Betsy C. Jefferis-Aguilar, Esq.
BETSY C. JEFFERIS-AGUILAR, ESQ.
Nevada Bar No. 12980
2630 S. Jones Blvd
Las Vegas, Nevada 89146
Attorneys for Plaintiff

Exhibit B

1 **IAFD**2 BETSY JEFFERIS AGUILAR, ESQ.
 Nevada Bar No. 129803 **HICKS & BRASIER, PLLC**4 2630 S. Jones Blvd
 Las Vegas, Nevada 89146
 Phone: (702) 628-9888
 Fax: (702) 960-4118
 E-Mail: baguilar@lvattorneys.com
*Attorneys for Plaintiff*CASE NO: A-22-855829-C
 Department 14

7

8 **DISTRICT COURT**

9

CLARK COUNTY, NEVADA

10 TEKEEYSHA KEYS, an individual,)	CASE NO.:
11 Plaintiff,)	DEPT. NO.:
12 vs.)	
13 TARGET CORPORATION; DOE)	
14 EMPLOYEES OF TARGET)	
15 CORPORATION; DOES 1-20 and ROE)	
16 BUSINESS ENTITIES 1-20, inclusive,)	
17 Defendants.)	

INITIAL APPEARANCE FEE DISCLOSURE

18

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted
 for fees appearing in the above entitled action as indicated below:

19

Tekeeysha Keys	\$270.00
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TOTAL REMITTED: \$ 270.00	
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21

22 DATED THIS 22nd day of July, 2022.
HICKS & BRASIER, PLLC

23

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/s/ Betsy C. Jefferis-Aguilar, Esq.
 BETSY JEFFERIS AGUILAR, ESQ.
 Nevada Bar No. 12980
 2630 S. Jones Blvd
 Las Vegas, Nevada 89146
Attorneys for Plaintiff

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Exhibit C

SUMM

DISTRICT COURT
CLARK COUNTY, NEVADA

TEKEEYSHA KEYS, an individual,) CASE NO.:
Plaintiff,) DEPT. NO.: CASE NO: A-22-855829-C
vs.) Department 14
TARGET CORPORATION; DOE EMPLOYEES OF)
TARGET CORPORATION; DOES 1-20 and ROE)
BUSINESS ENTITIES 1-20, inclusive,)
Defendants.)

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW

To THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

TARGET CORPORATION

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this summons within which to file an answer or other responsive pleading to the complaint.

STEVEN D. GRIERSON

CLERK OF COURT

Laurie Williams

7/22/2022

Deputy Clerk Date
County Court House Laurie Williams
200 Lewis Avenue
Las Vegas, Nevada 89155

By: /s/ Betsy C. Jefferis-Aguilar, Esq.

Betsy Jefferis Aguilar, Esq.
2630 S. Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiff

Exhibit D

1 **IAFD**

2 ALAN W. WESTBROOK, ESQ.
3 Nevada Bar No. 006167
4 PERRY & WESTBROOK,
A Professional Corporation
11500 S. Eastern, Suite 140
Henderson, NV 89052
Telephone: (702) 870-2400
Facsimile: (702) 870-8220
Email: awestbrook@perrywestbrook.com
7 Attorney for Defendant Target Corporation

8

9

10 **DISTRICT COURT**
CLARK COUNTY, NEVADA

11

12 TEKEEYSHA KEYS, an individual;	CASE NO.: A-22-855829-C
13 Plaintiff,	Dept: 14
14 vs.	<u>DEFENDANT TARGET</u> <u>CORPORATION'S INITIAL</u> <u>APPEARANCE FEE DISCLOSURE</u>
15 TARGET CORPORATON, DOE	
16 EMPLOYEES OF TARGET	
17 CORPORATION; DOES 1-20 and ROE	
18 BUSINESS ENTITIES 1-20, inclusive,	
19 Defendants.	
20	

21 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for
22 parties appearing in the above-entitled action as indicated below:

23 Defendant TARGET CORPORATION.....\$223.00
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1 **TOTAL REMITTED:.....\$223.00**

2 DATED this 19th day of August, 2022.

3
4 PERRY & WESTBROOK
5 A Professional Corporation

6 /s/ Alan W. Westbrook
7 ALAN W. WESTBROOK, ESQ.
8 Nevada Bar No. 6167
9 11500 S. Eastern, Suite 140
10 Henderson, NV 89052
11 Telephone: (702) 870-2400
12 Facsimile: (702) 870-2880
13 Email: awestbrook@perrywestbrook.com
14 *Attorney for Defendant Target Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of August, 2022, a true and correct copy of the foregoing was served upon the following counsel via the Eighth Judicial District Court's electronic filing and service system pursuant to Administrative Order 14-2:

Betsy C. Jefferis-Aguilar, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiff

/s/ Jennifer Meacham
An Employee of PERRY & WESTBROOK,
A Professional Corporation

Exhibit E

1 ANS

2 ALAN W. WESTBROOK, ESQ.

3 Nevada Bar No. 006167

4 PERRY & WESTBROOK,

5 A Professional Corporation

6 11500 S. Eastern, Suite 140

7 Henderson, NV 89052

8 Telephone: (702) 870-2400

9 Facsimile: (702) 870-8220

10 Email: awestbrook@perrywestbrook.com

11 Attorney for Defendant Target Corporation

12
13
14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 TEKEEYSHA KEYS, an individual;

17 CASE NO.: A-22-855829-C

18 Plaintiff,

19 Dept: 14

20 vs.

21 TARGET CORPORATON, DOE
22 EMPLOYEES OF TARGET
23 CORPORATION; DOES 1-20 and ROE
24 BUSINESS ENTITIES 1-20, inclusive,

25 DEFENDANT TARGET
26 CORPORATION'S ANSWER TO
27 PLAINTIFF'S COMPLAINT

28 Defendants.

29
30 COMES NOW Defendant TARGET CORPORATION, by and through its attorney, Alan
31 W. Westbrook, Esq. of the law firm PERRY & WESTBROOK, and in answer to Plaintiff's
32 Complaint on file herein admits, denies, and alleges as follows:

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JURISDICTION, VENUE, AND PARTIES

Answering paragraph 1 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies same.

Answering paragraph 2 of Plaintiff's Complaint, Defendant admits that Target Corporation is, and was at all times relevant, a Minnesota Corporation, licensed to do business in the County of Clark, State of Nevada.

Answering paragraph 3 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies same.

Answering paragraph 4 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies same.

Answering paragraph 5 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies same.

Answering paragraph 6 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies same.

Answering paragraph 7 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein and therefore denies the same.

1 Answering paragraph 8 of Plaintiff's Complaint, Defendant is without sufficient
2 knowledge or information to form a belief as to the truth or falsity of the allegations contained
3 therein and denies the same.
4

5 **FACTS COMMON TO ALL CAUSES OF ACTION**

6 Answering paragraph 9 of Plaintiff's Complaint, Defendant is without sufficient
7 knowledge or information to form a belief as to the truth or falsity of the allegations contained
8 therein and denies the same.

9 Answering paragraph 10 of Plaintiff's Complaint, Defendant denies each and every
10 allegation contained therein.

12 Answering paragraph 11 of Plaintiff's Complaint, Defendant denies each and every
13 allegation contained therein.

14 Answering paragraph 12 of Plaintiff's Complaint, Defendant is without sufficient
15 knowledge or information to form a belief as to the truth or falsity of the allegations contained
16 therein and denies the same.

18 Answering paragraph 13 of Plaintiff's Complaint, Defendant denies each and every
19 allegation contained therein.

20 Answering paragraph 14 of Plaintiff's Complaint, Defendant denies each and every
21 allegation contained therein.

23 Answering paragraph 15 of Plaintiff's Complaint, Defendant denies each and every
24 allegation contained therein.

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FIRST CLAIM FOR RELIEF
(Negligence to all Defendants)

Answering paragraph 16 of Plaintiff's Complaint, Defendant repeats and realleges every answer set forth above as though set forth in full herein.

Answering paragraph 17 of Plaintiff's Complaint, to the extent that the allegations of this paragraph reference questions of duty, this is an issue for determination by the Court, which has not yet addressed the same, and denies that there existed a "non-obvious and dangerous condition." Nonetheless, Defendant denies it breached any duty alleged to be owed to the Plaintiff.

Answering paragraph 18 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 19 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 20 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 21 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 22 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

SECOND CLAIM FOR RELIEF
(Negligent Hiring, Training, Supervision, and/or Retention)

Answering paragraph 23 of Plaintiff's Complaint, Defendant repeats and realleges every answer set forth above as though set forth in full herein.

Answering paragraph 24 of Plaintiff's Complaint, to the extent that the allegations of this paragraph reference questions of duty, this is an issue for determination by the Court, which has

1 not yet addressed the same, and is vague and incomplete in its description or definition, making
2 an admission or denial impossible. Nonetheless, Defendant denies it breached any duty alleged to
3 be owed to the Plaintiff.

4 Answering paragraph 25 of Plaintiff's Complaint, Defendant denies each and every
5 allegation contained therein.

6 Answering paragraph 26 of Plaintiff's Complaint, Defendant denies each and every
7 allegation contained therein.

8 Answering paragraph 27 of Plaintiff's Complaint, Defendant denies each and every
9 allegation contained therein.

10 Answering paragraph 28 of Plaintiff's Complaint, Defendant is without sufficient
11 knowledge or information to form a belief as to the truth or falsity of the allegations contained
12 therein and denies the same.

13 Answering paragraph 29 of Plaintiff's Complaint, Defendant is without sufficient
14 knowledge or information to form a belief as to the truth or falsity of the allegations contained
15 therein and denies the same.

16 Answering paragraph 30 of Plaintiff's Complaint, Defendant is without sufficient
17 knowledge or information to form a belief as to the truth or falsity of the allegations contained
18 therein and denies the same.

19 Answering paragraph 31 of Plaintiff's Complaint, Defendant denies each and every
20 allegation contained therein.

21 Answering paragraph 32 of Plaintiff's Complaint, Defendant denies each and every
22 allegation contained therein.

Answering paragraph 33 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 34 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 35 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

THIRD CLAIM FOR RELIEF
(Negligent Inspection and Warning)

Answering paragraph 36 of Plaintiff's Complaint, Defendant repeats and realleges every answer set forth above as though set forth in full herein.

Answering paragraph 37 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 38 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 39 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

Answering paragraph 40 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

FOURTH CLAIM FOR RELIEF

Answering paragraph 41 of Plaintiff's Complaint, Defendant repeats and realleges every answer set forth above as though set forth in full herein.

Answering paragraph 42 of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

1 Answering paragraph 43 of Plaintiff's Complaint, Defendant is without sufficient
2 knowledge or information to form a belief as to the truth or falsity of the allegations contained
3 therein and denies the same.
4

5 Answering paragraph 44 of Plaintiff's Complaint, Defendant is without sufficient
6 knowledge or information to form a belief as to the truth or falsity of the allegations contained
7 therein and denies the same.
8

9 Answering paragraph 45 of Plaintiff's Complaint, Defendant is without sufficient
10 knowledge or information to form a belief as to the truth or falsity of the allegations contained
11 therein and denies the same.
12

13 Answering paragraph 46 of Plaintiff's Complaint, Defendant is without sufficient
14 knowledge or information to form a belief as to the truth or falsity of the allegations contained
15 therein and denies the same.
16

17 Answering paragraph 47 of Plaintiff's Complaint, Defendant is without sufficient
18 knowledge or information to form a belief as to the truth or falsity of the allegations contained
19 therein and denies the same.
20

21 Answering paragraph 48 of Plaintiff's Complaint, Defendant denies each and every
22 allegation contained therein and denies the same.
23

24 Answering paragraph 49 of Plaintiff's Complaint, Defendant denies each and every
25 allegation contained therein and denies the same.
26

27 Answering paragraph 50 of Plaintiff's Complaint, Defendant denies each and every
28 allegation contained therein and denies the same.
29
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AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint fails to state a cause of action against this Defendant upon which relief can be granted.

SECOND DEFENSE

The negligence of Plaintiff caused or contributed to any injuries or damages that Plaintiff may have sustained; and the negligence of Plaintiff in comparison with the alleged negligence of Defendant, if any, required that the damages of Plaintiff be denied or be diminished in proportion to the amount of negligence attributable to Plaintiff.

THIRD DEFENSE

That the injuries sustained by the Plaintiff, if any, were caused by acts of unknown third persons who were not agents, servants, or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and, as such, this Defendant is not liable in any manner to the Plaintiff.

FOURTH DEFENSE

Plaintiff has failed to mitigate her damages.

FIFTH DEFENSE

Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer and, therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent research so warrants.

WHEREFORE, Defendant prays that:

1. Plaintiff's Complaint be dismissed, and the Plaintiff take nothing by way of same;

- 1 2. That Defendant be awarded attorney's fees and costs incurred; and,
- 2 3. For such other and further relief as the Court may deem just and proper.

3 DATED this 19th day of August, 2022.
4

5 PERRY & WESTBROOK
6 A Professional Corporation

7 _____
8 */s/ Alan W. Westbrook*
9 ALAN W. WESTBROOK, ESQ.
10 Nevada Bar No. 6167
11 11500 S. Eastern, Suite 140
12 Henderson, NV 89052
13 Telephone: (702) 870-2400
14 Facsimile: (702) 870-2880
15 Email: awestbrook@perrywestbrook.com
16 *Attorney for Defendant Target Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of August, 2022, a true and correct copy of the foregoing was served upon the following counsel via the Eighth Judicial District Court's electronic filing and service system pursuant to Administrative Order 14-2:

Betsy C. Jefferis-Aguilar, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiff

/s/ Jennifer Meacham
An Employee of PERRY & WESTBROOK,
A Professional Corporation

Exhibit F

DMJT

ALAN W. WESTBROOK, ESQ.

Nevada Bar No. 006167

PERRY & WESTBROOK,

A Professional Corporation

11500 S. Eastern, Suite

Henderson, NV 89052

Telephone: (702) 870-2400

Facsimile: (702) 870-8220

Email: awestbrook@perrywestbrook.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TEKEEYSHA KEYS, an individual:

CASE NO.: A-22-855829-C

Plaintiff,

Dept: 14

vs.

TARGET CORPORATION, DOE
EMPLOYEES OF TARGET
CORPORATION; DOES 1-20 and ROE
BUSINESS ENTITIES 1-20, inclusive,

DEFENDANT TARGET **CORPORATION'S DEMAND FOR JURY** **TRIAL**

Defendants.

DEMAND IS HEREBY MADE by Defendant TARGET CORPORATION, by and through its attorney, Alan W. Westbrook, Esq. of the law firm PERRY & WESTBROOK,

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1 for a trial by jury in the above-entitled matter.

2 DATED this 19th day of August, 2022.

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PERRY & WESTBROOK
A Professional Corporation

5

6

/s/ Alan W. Westbrook

7

ALAN W. WESTBROOK, ESQ.

8

Nevada Bar No. 6167

9

11500 S. Eastern, Suite 140

10

Henderson, NV 89052

11

Telephone: (702) 870-2400

12

Facsimile: (702) 870-2880

13

Email: awestbrook@perrywestbrook.com

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Attorney for Defendant Target Corporation

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CERTIFICATE OF SERVICE

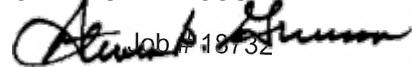
I HEREBY CERTIFY that on the 19th day of August, 2022, a true and correct copy of the foregoing was served upon the following counsel via the Eighth Judicial District Court's electronic filing and service system pursuant to Administrative Order 14-2:

Betsy C. Jefferis-Aguilar, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, NV 89146
Attorneys for Plaintiff

/s/ *Jennifer Meacham*
An Employee of PERRY & WESTBROOK,
A Professional Corporation

Exhibit G

Electronically Filed
8/1/2022 6:47 PM
Steven D. Grierson
CLERK OF THE COURT



Job # 18732

AFFIDAVIT OF SERVICE

Client Info:

Hicks & Brasier
2630 S. Jones Blvd.
Las Vegas, NV 89146

Case Info:

Plaintiff:

TEKEEYSHA KEYS, an individual,
-versus-

District Court
Court Division: Dept. No.: 14
County of Clark, Nevada

Defendant:

TARGET CORPORATION; DOE EMPLOYEES OF TARGET
CORPORATION; DOES 1-20 and ROE BUSINESS ENTITIES 1-20,
inclusive,

Issuance Date: 7/28/2022 Court Case # **A-22-855829-C**

Service Info:

Date Received: 7/28/2022 at 10:43 AM

Service: I Served Target Corporation

With: SUMMONS; PLAINTIFF'S COMPLAINT

by leaving with **Ana Gomes, ADMINISTRATIVE ASSISTANT**

At Business RA: CT CORPORATION SYSTEM - 701 S. CARSON STREET, STE. 200 CARSON CITY, NV 89701

Latitude: **39.159935**, Longitude: **-119.766402**

On **7/29/2022 at 11:40 AM**

Manner of Service: CORPORATE

SERVICE: was performed by delivering a true copy of this **SUMMONS; PLAINTIFF'S COMPLAINT** to: **Ana Gomes, ADMINISTRATIVE ASSISTANT** at the address of: **RA: CT Corporation System - 701 S. Carson Street, STE. 200 Carson City, NV 89701** with an agent lawfully designated by statute to accept service of process, pursuant to NRS 14.020, a person of suitable age and discretion at the address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State or entities usual place of business.

I **Jon Salisbury**, acknowledge that I am authorized to serve process, in good standing in the jurisdiction wherein the process was served and I have no interest in the above , action. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature of Server:

Jon Salisbury

Lic # **2100C**

LV Process and Investigations, LLC

License #**2039**

7181 N. Hualapai Way Suite 130-9

Las Vegas, NV 89166

Phone: (702) 592-3283

Our Job # **18732** Client Ref # **206667**

SUBSCRIBED AND SWORN to before me this **30th** day of **July, 2022**, by **Jon Salisbury**,
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Jonah Guidry
NOTARY PUBLIC for the state of Nevada

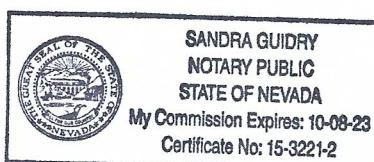


Exhibit H

1 REA
 2 BETSY JEFFERIS AGUILAR, ESQ.
 3 Nevada Bar No. 12980
 4 **HICKS & BRASIER, PLLC**
 5 2630 S. Jones Blvd
 6 Las Vegas, Nevada 89146
 Phone: (702) 628-9888
 Fax: (702) 960-4118
 E-Mail: baguilar@lvattorneys.com
Attorneys for Plaintiff

7
 8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 TEKEEYSHA KEYS, an individual,)	CASE NO.: A-22-855829-C
11 Plaintiff,)	DEPT. NO.: Dept. 14
12 vs.)	PLAINTIFF'S REQUEST FOR
13)	EXEMPTION FROM
14 TARGET CORPORATION; DOE)	ARBITRATION
15 EMPLOYEES OF TARGET)	
16 CORPORATION; DOES 1-20 and ROE)	
BUSINESS ENTITIES 1-20, inclusive,)	
17 Defendants.)	

18 Plaintiff TEKEEYSHA KEYS, by and through her attorney Betsy C. Jefferis-Aguilar,
 19 Esq. Esq. of the law office of HICKS & BRASIER, PLLC, hereby requests the above entitled
 20 matter be exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5 as this case
 21 involves an amount in excess of \$50,000 per Plaintiff, exclusive of interest and cost.

22 This personal injury action is a result of a trip and fall that occurred on March 8, 2021 in
 23 Clark County, Nevada. Plaintiff was walking in the Target Store located on 1200 S. Nellis Blvd,
 24 Las Vegas, Nevada 89104 when a three-step ladder fell down off the shelf hitting Plaintiff on
 25 the head and neck. Plaintiff suffered bodily injuries as a result of the incident and has incurred
 26 the following damages:

27 //
 28

Provider	Amount
Summerlin Hospital Medical Center	\$16,399.00
Shadow Emergency Physicians	\$ 1,888,00
Desert Radiologists	\$1,171.00
Spinal Rehabilitation	\$6,329.00
Las Vegas Radiology	To be Supplemented
Neurology Centers	To be Supplemented
Shield Radiology	\$ 190.00
William S. Muir, M.D.	\$ 50,235.00
Nevada Medical Consultants	\$750.00
Multus Medical	\$1,800.00
Anesthesia & Intensive Care Specialists	\$1,902.00
Total	\$80,664.00

Because liability is solely against Defendant, Plaintiff alleges that Defendant is the cause of Plaintiff's injuries. Clearly, the value of Plaintiff's damages include medical expenses, pain and suffering exceeds the \$50,000.00 threshold and the matter should be exempted from Arbitration.

I hereby certify pursuant to NRCP 11 this case to be within the exemption(s) marked above and am aware of the sanctions which may be imposed against any attorney or party who without good cause or justification attempts to remove a case from the arbitration program. I further certify pursuant to NRS Chapter 239B and NRS 603A.040 that this document and any attachments thereto do not contain personal information including, without limitation, home address/phone number, social security number, driver's license number or identification card

1 number, account number, PIN numbers, credit card number or debit card number, in
2 combination with any required security code, access code or password that would permit access
3 to the person's financial account.

4 DATED THIS 19th day of August 2022.

HICKS & BRASIER, PLLC

5

6

/s/ Betsy C. Jefferis-Aguilar, Esq. _____

BETSY JEFFERIS AGUILAR, ESQ.

7

Nevada Bar No. 12980

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2630 S. Jones Blvd

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Las Vegas, Nevada 89146

10

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HICKS & BRASIER, PLLC, and that on this 19th day of August, 2022, I served a copy of the foregoing **REQUEST FOR EXEMPTION FROM ARBITRATION** in accordance with Administrative Order 14-2 and Rule 9 of the Nevada Electronic Filing and Conversion Rules (N.E.F.C.R.) by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list below:

ALAN W. WESTBROOK, ESQ.

PERRY & WESTBROOK,

A Professional Corporation

11500 S. Eastern, Suite 140

Henderson, NV 89052

Telephone: (702) 870-2400

Facsimile: (702) 870-8220

Email: awestbrook@perrywestbrook.com

/s/ Alejandro Arias

An employee of Hicks & Brasier, PLLC